

REMARKS

Claims 1 - 46 remain active in this application. Claims 2 - 6, 8, 9, 11, 12, 14, 15, 17, 18, 21, 22, 24 - 44 and 46 have been withdrawn from consideration as being non-elected, without traverse, in response to a requirement for restriction.

Claims 1, 7, 10, 13, 16 and 45 have been rejected under 35 U.S.C. §102 as being anticipated by Applicant's Admitted Prior Art (APAA) and claims 19 - 20 and 23 have been rejected under 35 U.S.C. §103 as being obvious over AAPA. No other references have been applied against the elected claims or otherwise relied upon. These grounds of rejection are respectfully traversed for the reasons of record and the remarks below.

The present invention discloses an electronic information transmission method where the inadvertent transmission of information to an incorrect destination is greatly reduced while increasing convenience of using a transmission page. The specification discusses in detail how this is achieved by describing several embodiments. In the first embodiment, a user of an Internet home page clicks on (or otherwise selects) an "email" or "contact" button (or the like), which accesses not an email transmission page, but another web page where the photos and names of people are listed for purposes of destination identification (see pages 14-16 of the specification, and Figures 6 and 7, of the present invention). Then, the user clicks on the area made up of the photo and name to who the user wishes to address the electronic communication, at which point an email transmission page is accessed. The second embodiment is similar to the first embodiment, but rather than clicking on an "email" or "contact" button (or the like) on the homepage to access another web page, the photos and names of people listed for destination identification purposes are included on the home page (see pages 16-18 of the specification, and Figures 8 - 10, of the present invention). Ultimately, the second embodiment eliminates the need to search for an "email" or "contact" button. The third embodiment is also similar to the first embodiment, but when the user's cursor is moved over a particular area designated for electronic transmission, the photo and name of the intended recipient is displayed on the terminal (see pages 18-20, and Figures 11 and 12, of the present invention). The fourth embodiment further extends the features of the first, second and third embodiments by, rather than displaying the email transmission page over the entirety of the screen, displaying the transmission page so that it does not cover the photo and name of the recipient (see pages 20-21, and Figure 13, of the present invention). The fifth embodiment allows a user to select a desired recipient by clicking on a person shown in a group photograph on the homepage (see pages 21-22 of the present

invention), while the sixth embodiment allows a user to select any region on a homepage to email a business (see pages 22-23, and Figures 14 and 15, of the present invention). Lastly, the seventh embodiment allows the user to incorporate his or her own photo into the body of, or as an attachment to, the electronic transmission (see pages 23-24 of the present invention). All of the aforementioned embodiments make clear that the purpose of the present invention is to ensure that the electronic information is transmitted to the correct person or entity by identifying the destination by a photo and/or name rather than an email address (which does not necessarily identify the destination accurately), thus preventing errors in destination address and/or disclosure of confidential information.

At the outset, it should be noted that it has long been established that the Examiner must consider everything the Applicant has said about the prior art in order to determine the scope of any admission. *See e.g., In re Nomiya*, 184 USPQ 607, 612 (CCPA, 1975). While the Examiner has cited various passages in pages 1-4 of the specification, the Examiner has not appeared to consider the problems with the AAPA discussed at pages 5-6 of the specification, which the present invention attempts to solve. Specifically, there are two distinct problems that the present invention addresses. First, with regard to the problem of ensuring that the electronic information is transmitted to the correct person or entity, the present invention provides a home page that contains elements that allow a user to view the identification of a transmission destination. Second, with regard to the problem of unidirectional communication by the home page (*i.e.*, from the home page creator to the user), the present invention provides a direct connection between the selection of a photograph or other information that identifies a transmission destination and the accessing of an e-mail transmission page with a transmission destination designated in accordance with the photograph. At no point does the AAPA address either of these problems in the ways disclosed in the present application.

With regard to the rejection under 35 U.S.C. §102, MPEP 2131 expressly states that “to anticipate a claim, the reference must teach every element in the claim” (emphasis added). Further, MPEP 2131, citing *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1051, 1053 (Fed. Cir. 1987), states “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” As the AAPA describes an Internet home page that includes a link to an email transmission page (see pages 2-3 of the specification, and Figures 1 and 2, of the present invention), as well as an Internet home page that includes a photo of the creator that links to the home page (see pages 3-4 of the specification, and Figure 3, of the present invention), and fails to

either teach or suggest an electronic information transmission method that makes clear whom the person will be that is designated as the destination, it is respectfully submitted that the Examiner has failed to establish his *prima facie* burden under 35 U.S.C. §102.

In particular, with regard to claim 1, it is required that the information page, NOT the information transmission page (*i.e.*, email transmission page), displays the transmission destination to be identified, confirmed or selected. This passage of claim 1 makes clear that the transmission destination information (*e.g.*, photo, name, mark, etc., (see claims 7, 10, and 13)) on the information page in order to ensure that the electronic information is transmitted to the correct person or entity, thus preventing errors in destination address and/or disclosure of confidential information. Although the Examiner has relied on specific paragraphs in pages 1-3 of the specification that teach a home page location for selecting an email transmission, at no point does the Examiner specifically cite a passage in the AAPA that teaches an information page or home page that displays the transmission destination to be identified, confirmed or selected. Therefore, because the Examiner has neither addressed the Applicant's discussion of the prior art in its entirety in accordance with *In re Nomiya*, nor cited to specific teachings in the AAPA that allegedly anticipate every element in accordance with MPEP2131, no *prima facie* demonstration of anticipation has been made and withdrawal of the rejection of claims 1, 7, 10, 13, 16 and 45 under 35 U.S.C. §102 is respectfully requested for the simple reason that the Examiner has not properly established the scope of the asserted admission relied upon. Had the Examiner done so, the scope of the admission would fall short of answering at least "displaying information on said information page that allows said transmission destination to be identified, confirmed, or selected."

With regard to the rejection under 35 U.S.C. §103, the Federal Circuit has held that obviousness can only be established by combining or modifying the teaches of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *see also* MPEP 2143.01.

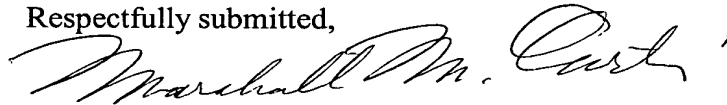
The Examiner acknowledges that the AAPA "does not specifically teach designating any position on the page ... that allows said transmission destination to be identified, checked, or selected and allowing identification of the sender is appended to said desired information" (see Office Action at page 4). The Examiner further states that it would be obvious to one skilled in

the art to add these functions to “bring convenience to users” and “to attract more customers” (see Office Action at page 4). However, the Examiner’s assertions are tantamount to taking official notice of the differences between the claimed invention and the AAPA, while offering no evidence whatsoever that mitigates the admitted deficiencies of the AAPA or has any probative value in regard to the level of ordinary skill in the art or the modifications proposed by the Examiner. To modify the AAPA otherwise would be an impermissible hindsight reconstruction since the purpose and operation of the present invention is completely different. Therefore, because the Examiner has not offered evidence that mitigates the admitted deficiencies of the AAPA, the Examiner has not made a *prima facie* case of obviousness and withdrawal of the rejection of claims 19, 20 and 23 under 35 U.S.C. §103 is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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